



AUSTIN CITY COUNCIL
MINUTES

REGULAR MEETING
THURSDAY, NOVEMBER 1, 2007

Invocation: Rev. San Williams, Senior Pastor, University Presbyterian Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, November 1, 2007 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Pro Tem Dunkerley called the Council Meeting to order at 10:12 a.m. Mayor Wynn was absent from this meeting.

Mayor Pro Tem Dunkerley asked Council Members to report on upcoming agenda items; however, none were mentioned.

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Wynn was absent.

1. Approval of the minutes of the Austin City Council from the regularly scheduled meeting of October 18, 2007.
The minutes from the meeting of October 18, 2007 were approved.
2. Approve the issuance of a rebate in the amount of \$50,802.35 to Austin Independent School District for the installation of a high-efficiency chiller and cooling tower, motors, variable frequency drives, roof insulation and a reflective roof coating at McCallum High School, 5600 Sunshine Drive, Austin, TX. Funding is available in the Fiscal Year 2007-2008 Operating Budget of the Conservation Rebates and Incentive Budget of Austin Energy. Recommended by the Resource Management Commission.
The motion authorizing the issuance of a rebate to Austin Independent School District was approved.
3. Authorize the negotiation and execution of: (1) a Frequency Reconfiguration Agreement with Sprint Nextel for reconfiguration costs, (2) Interlocal agreements with the Austin/Travis County Regional Radio System partners and associates to reimburse costs related to reconfiguration, and (3) a Reconfiguration Services Agreement with Motorola, Inc. for the reconfiguration of the Austin/Travis County Regional Radio System. The costs for reconfiguration will be paid in full by Sprint Nextel; there will be no cost to the City of Austin or the Regional Radio System partners.
The motion authorizing the negotiation and execution of: (1) a frequency reconfiguration agreement with Sprint Nextel; (2) interlocal agreements with the Austin/Travis County Regional

Radio System partners and associates and; (3) a reconfiguration services agreement with Motorola, Inc. was approved.

4. Approve a resolution nominating a proposed SPANSION INC. production facility reequipment and expansion located at 5204 East Ben White Boulevard, Austin, Texas, for designation by the Governor's Office of Economic Development and Tourism as a "Triple Jumbo" Enterprise Project in accordance with Texas Government Code Chapter 2303 ("Texas Enterprise Zone Act").
Resolution No.20071101-004 was approved. Council Member Kim abstained.
5. Authorize negotiation and execution of an Interlocal Agreement between the City and Travis County Emergency Services District Number 4 for firefighter certification training at a cost to the City not to exceed \$33,000. Funding in the amount of \$33,000 is included in the Fiscal Year 2007-2008 Operating Budget of the Austin Fire Department.
The motion authorizing the negotiation and execution of an interlocal agreement between the City and Travis County Emergency Services District Number 4 was approved.
6. Approve the appointment of Jane Manaster to a two year term as Austin's Lay Representative to Central Texas Library System ("CTLS"), a collaboration of member libraries, Lay Representatives and staff to strengthen public library services and equalize access to information throughout Central Texas. Recommended by the Library Commission.
The motion authorizing the appointment of Jane Manaster to a two year term as Austin's Lay Representative to Central Texas Library System was approved.
7. Consider and set the Austin City Council meeting schedule for calendar year 2008.
The motion to consider and set the Austin City Council meeting schedule for calendar year 2008 was approved.
8. Approve an ordinance authorizing the acceptance of \$990,000 in grant funds from the U.S. Department of Justice; and amending the Fiscal Year 2007-2008 Police Department Operating Special Revenue Fund of Ordinance No. 20070910-003 to appropriate \$990,000 for the Austin Police Department Violent Crime Initiative. This Bureau of Justice grant is awarded under the Fiscal Year 2007 Byrne Discretionary funding. Funding is available from the Bureau of Justice. A match is not required.
Ordinance No. 20071101-008 was approved.
9. Approve a resolution authorizing negotiation and execution of all documents necessary to convey a 7.249 acre portion of the 8400 block of Delwau Lane to Interest Partners, LLC in exchange for Interest Partners, LLC's conveyance of park land to the City of Austin, construction of certain park access improvements and allowing the City of Austin's police and EMS use of the driving tract for free. Recommended by the Zoning and Platting Commission and the Urban Transportation Commission.
Resolution No.20071101-009 was approved.
10. Approve a resolution authorizing the fee simple acquisition of Lot 1, Block J, Onion Creek Forest, Section 2, Amended Plat, a subdivision in Travis County, Texas, located at 5400 Vine Hill Drive, from Janice Fitchpatrick, for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project, in the amount of \$72,000 for the land and improvements and \$26,500 in owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$108,500. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.
Resolution No. 20071101-010 was approved.

11. Approve an ordinance amending Section 12-4-64(D) of the City Code by extending the existing school zone on Staked Plains Loop (west) to increase the safety of students attending Rutledge Elementary School. Funding in the amount of \$350 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department for the installation of necessary signs and flashers.
Ordinance No. 20071101-011 was approved.
12. Approve an ordinance amending Section 12-4-64(D) of the City Code by adding a portion of Avery Ranch Boulevard to the list of streets having a maximum speed limit of 40 miles per hour at all times. Funding in the amount of \$440 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department for the installation of necessary signs.
Ordinance No. 20071101-012 was approved.
13. Approve an ordinance amending Section 12-4-64(D) of the City Code to establish a maximum speed limit of 25 miles per hour on certain streets within the area bounded by Davis Lane and Guidepost Trail to the north, Manchaca Road to the east, West Slaughter Lane to the south, and Brodie Lane to the west. Funding in the amount of \$9,500 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department for installation of necessary signs.
Ordinance No. 20071101-013 was approved.
14. Approve an ordinance amending Section 12-4-64(D) of the City Code to establish a maximum speed limit of 25 miles per hour on certain streets bounded by East Riverside Drive to the north, South Pleasant Valley Road to the east, East Oltorf Street to the south, and IH 35 East Frontage Road to the west. Funding in the amount of \$5,400 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department for installation of necessary signs.
Ordinance No. 20071101-014 was approved.
15. Approve an ordinance amending Section 12-4-64(D) of the City Code to establish a maximum speed limit of 25 miles per hour on certain streets within the two neighborhood areas bounded by: 1) East Rundberg Lane to the north, IH 35 (North) West Frontage Road to the east, East Anderson Lane to the south, and North Lamar Boulevard to the west, and 2) Dungan Lane to the north, Wall Street to the east, Cross Park Drive to the south, and Cameron Road/Dessau Road to the west. Funding in the amount of \$5,170 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department for the installation of necessary signs.
Ordinance No. 20071101-015 was approved.
16. Approve an ordinance amending Section 12-4-64(D) of the City Code to establish a maximum speed limit of 25 miles per hour on certain streets bounded by East Oltorf Street to the north, Burleson Road to the east, East Ben White Boulevard to the south, and IH 35 East Frontage Road to the west. Funding in the amount of \$3,750 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department for installation of necessary signs.
Ordinance No. 20071101-016 was approved.
17. Approve an ordinance amending Section 12-4-64(D) of the City Code to establish a maximum speed limit of 25 miles per hour on certain streets within the area bounded by Hancock Drive to the north, Burnet Road to the east, Shoal Creek proper to the west, and West 45th Street to the south. Funding in the amount of \$4,000 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department for the installation of necessary signs.
Ordinance No. 20071101-017 was approved.

18. Approve an ordinance amending Section 12-4-64(D) of the City Code to establish a maximum speed limit of 25 miles per hour on certain streets within the area bounded by Manchaca Road and South Lamar Boulevard to the west, West Oltorf Street to the north, the Union Pacific Rail Road tracks to the east and West Ben White Boulevard to the south. Funding in the amount of \$5,500 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department for installation of necessary signs.
Ordinance No. 20071101-018 was approved.
19. Approve an ordinance amending Section 12-4-64(D) of the City Code to establish a maximum speed limit of 25 miles per hour on certain streets within the area bounded by South Lamar Boulevard and West Ben White Boulevard to the north, Manchaca Road to the east, West Stassney Lane to the south, and West Gate Boulevard to the west. Funding in the amount of \$5,700 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department for installation of necessary signs.
Ordinance No. 20071101-019 was approved.
20. Approve an ordinance amending Section 12-4-64(D) of the City Code to establish a maximum speed limit of 25 miles per hour on certain streets bounded by St. Elmo Road and Viewpoint Drive to the north, Stassney Lane to the east, Williamson Creek to the south, and Pleasant Valley Road to the west. Funding in the amount of \$9,300 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department for installation of necessary signs.
Ordinance No. 20071101-020 was approved.
21. Approve an ordinance amending Section 12-4-64(D) of the City Code to establish a maximum speed limit of 25 miles per hour on certain streets within the Travis Heights Neighborhood bounded by Riverside Drive to the north, Congress Avenue to the west, Oltorf Street to the south, and IH 35 West Frontage Road to the east. Funding in the amount of \$17,550 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department for installation of necessary signs.
Ordinance No. 20071101-021 was approved.
22. Approve an ordinance amending Section 12-4-64(D) of the City Code to establish a maximum speed limit of 25 miles per hour on certain streets within the area bounded by West 38th Street to the south, West 45th Street to the north, North Lamar Boulevard to the east, and Shoal Creek proper to the west. Funding in the amount of \$4,500 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department for the installation of necessary signs.
Ordinance No. 20071101-022 was approved.
23. Approve an ordinance amending Section 12-4-64(D) of the City Code to establish a maximum speed limit of 25 miles per hour on certain streets within the area bounded by West Stassney Lane to the north, South 1st Street to the east, West William Cannon Drive to the south, and the Union Pacific Rail Road tracks to the west. Funding in the amount of \$7,500 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department for installation of necessary signs.
Ordinance No. 20071101-023 was approved.
24. Approve an ordinance amending Section 12-4-64(D) of the City Code to establish a maximum speed limit of 25 miles per hour on certain streets within the area bounded by West Oltorf Street to the north, South 1st Street to the east, West Ben White Boulevard to the south, and Union Pacific Rail Road to the west. Funding in the amount of \$5,500 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department for installation of necessary signs.
Ordinance No. 20071101-024 was approved.

25. Approve an ordinance amending Section 12-4-64(D) of the City Code to establish a maximum speed limit of 25 miles per hour on certain streets within the area bounded by William Cannon Drive to the north, Pleasant Valley Road to the east, Bluff Springs Road to the west, and Onion Creek to the south. Funding in the amount of \$13,200 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department for installation of necessary signs.
Ordinance No. 20071101-025 was approved.
26. Authorize award and execution of a 24-month requirements supply contract with PRIESTER-MELL & NICHOLSON, Austin, TX for backfill polyurethane foam kits for stabilizing utility poles during installation in an estimated amount not to exceed \$658,840, with two 12-month extension options in an estimated amount not to exceed \$329,420 per extension option, for a total estimated contract amount not to exceed \$1,317,680. Funding in the amount of \$301,968 is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. Funding for the remaining 13 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specifications of four bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award and execution of a requirements supply contract with Priester-Mell and Nicholson was approved.
27. Authorize award and execution of two 24-month requirements supply contracts with BADGER METER, INC. Milwaukee, WI, and with HERSEY METERS COMPANY, LLC, Cleveland, NC, for the supply of various types and sizes of water meters for Austin Water Utility in estimated amounts not to exceed \$1,609,918 and \$342,000 respectively, with two 12-month extension options in estimated amounts not to exceed \$804,959 and \$171,000 respectively for each extension option, for total estimated contract amounts not to exceed \$3,219,836 and \$684,000 respectively Funding in the amount of \$894,629 is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Water Utility. Funding for the remaining 13 months of the original contract period and extension options are contingent upon available funding in future budgets. Lowest bids of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.
The motion authorizing the award and execution of two requirements supply contracts with Badger Meter, Inc. and Hersey Meters Company, LLC was approved.
28. Authorize award and execution of a 24-month requirements supply contract with COMMUNITY TRUCKING, Austin, TX, for the purchase of one-inch river rock for use as bedding material for the Austin Water Utility in an estimated amount not to exceed \$305,616, with two 12-month extension options in an estimated amount not to exceed \$152,808 per extension option, for a total estimated contract amount not to exceed \$611,232. Funding in the amount of \$140,074 is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Water Utility. Funding for the remaining 13 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.
The motion authorizing the award and execution of a requirements supply contract with Community Trucking was approved.

29. Authorize award and execution of a 24-month requirements supply contract with SHANNON CHEMICAL CORPORATION, Malvern, PA, for the purchase of liquid phosphate in an estimated amount not to exceed \$607,250, with two 24-month extension options in estimated amounts not to exceed \$759,062 for the first extension option and \$948,828 for the second extension option, for a total estimated contract amount not to exceed \$2,315,140. Funding in the amount of \$278,323 is available in the Fiscal Year 2007-2008 Operating Budget of the Austin Water Utility. Funding for the remaining 13 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bidder meeting specifications of three bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.
The motion authorizing the award and execution of a requirements supply contract with Shannon Chemical Corporation was approved.
30. Authorize award and execution of a 22-month requirements service contract with UNITED RENTALS HIGHWAY TECHNOLOGIES, L.P., Austin, TX, as the alternate contractor for the rental of temporary traffic control devices and roadway pavement marking services in an estimated amount not to exceed \$898,334, with three 12-month extension options in an estimated amount not to exceed \$490,000 per extension option, for a total estimated contract amount not to exceed \$2,368,334. Funding is available in the Fiscal Year 2007-2008 Operating Budgets for Austin Water Utility \$197,098; Public Works \$73,326; Watershed Protection Development Review Department \$91,663; Austin Energy \$55,000, Parks and Recreation Department \$32,076. Funding for the remaining 11 months of the original contract term and extension options is contingent upon available funding in future budgets. Lowest eligible bid received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program.) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.
The motion authorizing the award and execution of a requirements service contract with United Rentals Highway Technologies, L.P. was approved.
31. Authorize award and execution of a 36-month requirements service contract with TOTAL ROOFING SERVICES, INC., Austin, TX for roofing preventive maintenance and repair services in an estimated amount not to exceed \$300,000, with three 12-month extension options in an estimated amount not to exceed \$100,000 per extension option, for a total estimated contract amount not to exceed \$600,000. Funding in the amount of \$91,667 is available in the Fiscal Year 2007-2008 Operating Budget of the Financial and Administrative Services Department. Funding for the remaining 25 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specification of two bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award and execution of a requirements service contract with Total Roofing Services, Inc. was approved.
32. Authorize execution of a 16-week Interlocal Agreement with AUSTIN COMMUNITY COLLEGE, Austin, TX, to provide training to Public Works employees in the Job Forward Program for a total contract amount of \$21,100. Funding is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department. Interlocal Agreement. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Government Code and no goals were established for this solicitation.

The motion authorizing the execution of an interlocal agreement with Austin Community College was approved.

- 33. Authorize award, negotiation, and execution of a 36-month contract with ERICSSON, INC., Warrendale, PA, for maintenance and support of the asynchronous transfer mode communications network for traffic system management in an amount not to exceed \$175,503.56, with one 36-month extension option in an amount not to exceed \$175,503.56, for a total contract amount not to exceed \$351,007.12. Funding in the amount of \$58,501.19 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department. Funding for the remaining 24 months of the original contract amount and the extension option is contingent upon available funding in future budgets. Sole source. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award, negotiation and execution of a contract with Ericsson, Inc. was approved.

- 34. Adopt an ordinance approving an application by Texas Gas Services for a gas facilities relocation costs recovery surcharge on volumes of gas sold and transported to customers in Austin.

Ordinance No. 20071101-034 was approved.

- 35. Approve an ordinance granting Alaska Native Broadband 1 License, LLC, a non-exclusive license to install and operate wireless communications equipment in the public right-of-way in the median at 11609 1/2 Metric Boulevard. Unanticipated General Fund revenue in the amount of \$5,700 for Fiscal Year 2007-2008. Reviewed by the Council Committee for Emerging Technology and Telecommunications.

Ordinance No. 20071101-035 was approved.

- 36. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.

The following appointments were made:

Board/ Appointee

Consensus/ Council Nominee

Animal Advisory Commission

Karen Medicus

Council Member Cole’s Nominee

Arts Commission

Pamela Cunningham

Council Member Cole’s Nominee

Resource Management Commission

Fred Cohagen

Council Member McCracken’s Nominee

Water and Wastewater Commission

Karen Friese

Council Member McCracken’s Nominee

- 37. Approve a resolution directing the City Manager to implement Open Government Online, a citywide redesign project to the city’s Website with a goal of significantly increasing the number of online services available to the public. (Council Member Lee Leffingwell Mayor Pro Tem Betty Dunkerley Council Member Mike Martinez)

Resolution No. 20071101-037 was approved.

38. Approve a resolution adopting Austin Fire Department Four Person Staffing as the minimum staffing requirement of the Austin Fire Department and directing the City Manager to implement a minimum staffing policy for the Austin Fire Department in January 2008. (Council Member Mike Martinez Mayor Pro Tem Betty Dunkerley Council Member Lee Leffingwell)
Resolution No. 20071101-038 was approved.
39. Approve waiver of fees and authorize payment of certain costs for Blue Lapis Light Illumination held at the Seaholm Power Plant. (Mayor Pro Tem Betty Dunkerley Council Member Jennifer Kim)
The motion authorizing the waiver of fees and authorizing payment of certain costs was approved.
40. Approve waiver of \$2200 in street closure fees under Chapter 14 of the Code for the Texas Book Festival to be held November 3-4, 2007. (Council Member Brewster McCracken Mayor Pro Tem Betty Dunkerley Mayor Will Wynn)
The motion authorizing the waiver of \$2,200 in street closure fees for the Texas Book Festival was approved.
41. Approve waiver of park rental fees and requirements for the East Austin Lion's Club World War II Veterans Event to be held at the Mexican American Cultural Center on November 10, 2007. (Council Member Mike Martinez Council Member Sheryl Cole Council Member Lee Leffingwell)
The motion authorizing the waiver of park rental fees and requirements for the East Austin Lion's Club World War II Veterans event was approved.
42. Approve waiver of park rental fees for the Austin Asian Film Festival Found in China screenings to be held on November 10, 2007 at the Carver Museum. (Council Member Jennifer Kim Council Member Sheryl Cole Mayor Pro Tem Betty Dunkerley)
The motion authorizing the waiver of park rental fees for the Austin Asian Film Festival Found in China screenings was approved.
43. Approve waiver of fees and requirements under Chapter 14 of the Code for the Thundercloud Sub Turkey Trot to be held on November 22, 2007. (Mayor Will Wynn Council Member Mike Martinez Council Member Jennifer Kim)
The motion authorizing the waiver of fees and requirements was approved.
44. Approve an ordinance reimbursing Health Department temporary vending permits for the Green Corn Project Autumn Celebration held on October 21, 2007 at Boggy Creek Farm. (Mayor Will Wynn Mayor Pro Tem Betty Dunkerley)
Ordinance No. 20071101-044 was approved.
45. Set a public hearing to consider an ordinance amending Chapter 25-8 of the City Code to add a new section 25-8-27 relating to redevelopment in the Barton Springs Zone. (Suggested date and time: November 8, 2007, 6:00 p.m. at Austin City Hall, 301 W. Second St., Austin, TX.) Recommended by the Environmental Board and Planning Commission.
The public hearing was set for November 8, 2007 at 6:00 p.m., Austin City Hall, at 301 W. Second Street, Austin, Texas.
46. Set a public hearing to consider a request by Yves Macias, the owner of property located at 5001 Airport Boulevard, for a waiver from the distance requirement of City Code Section 4-9-4(A) which requires a minimum of 300 feet between a business that sells alcoholic beverages and a public school. (Suggested date and time: November 8, 2007, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)

The public hearing was set for November 8, 2007 at 6:00 p.m., Austin City Hall, at 301 W. Second Street, Austin, Texas.

- 47. Set a public hearing to receive comments regarding proposed changes to the City's board and commission system (Suggested date and time: November 8, 2007, 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX). The provisions of the proposed ordinance related to financial reporting requirements and conflict of interest disclosure were recommended by the Ethics Review Commission.
The public hearing was set for November 8, 2007 at 6:00 p.m., Austin City Hall, at 301 W. Second Street, Austin, Texas.

- 69. Approve a resolution directing the City Manager to initiate an amendment to Section 4.3.5 of Chapter 25-2, Subchapter E (Design Standards and Mixed Use) to (1) provide that the City Council may amend a neighborhood plan to permit a vertical mixed use building when it makes a determination under the opt-in/opt-out process; and (2) establish a zoning map code that indicates that a vertical mixed use building is permitted on a property and that all or some of the vertical mixed use options apply to the property . (Council Member Brewster McCracken Council Member Sheryl Cole)
Resolution No. 20071101-069 was approved.

Items 48 and 49 were Executive Session items.

Items 50 through 59 were zoning items set for 4:00 p.m.

Items 60 through 68 were public hearings set for 6:00 p.m.

EXECUTIVE SESSION

- 48. Discuss personnel matters related to the search for a new City Manager (Personnel Matters - Section 551.074).
This item was withdrawn.
- 49. Discuss legal issues related to the search for a new City Manager. (Private Consultations with Attorney - Section 551.071).
This item was withdrawn.

Mayor Pro Tem Dunkerley recessed the Council Meeting at 10:22 a.m.

Mayor Pro Tem Dunkerley called the Council Meeting back to order at 12:04 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Dale L. Flatt - Status of The 5 Active City Cemeteries and the need to Adopt a Cemetery Master Plan

Susan Sein - Parks

Brian Leonard - Parks

Patty Sprinkle - Salvation Army Site - Cumberland and South 5th

CarolAnneRose Kennedy – When the cops won’t leave you all.lone: you have the right to remain stupid

Rita Gonzales-Garza - Services to Juveniles in Court System. She was not present when her name was called.

Phillip A. Dick - Police Mental Abuse by Filing False Arrest. I would like to make an appointment with Chief Acevedo to discuss my problem. She was not present when her name was called.

G. Pena - City Issues, Keep Austin Affordable, The Poor, Needy and Have Nots Cannot Afford to live in Austin. Build True Affordable Housing

Richard Viktorin - Balcones Canyonlands Preserve - Double Standards for Endangered Species Management

Robert MacDonald - "Values." He was not present when his name was called.

Mayor Pro Tem Dunkerley recessed the Council Meeting at 12:35 p.m.

Mayor Pro Tem Dunkerley called the Council Meeting back to order at 4:08 p.m.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Martinez' motion, Council Member McCracken's second on a 5-0 vote. Mayor Wynn was absent. Council Member Kim was off the dais.

50. NP-07-0024 - Approve second/third readings of an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the North Burnet/Gateway 2035 Master Plan. The Master Plan will serve as the Combined Neighborhood Plan for the area bounded by Metric Boulevard on the east, US 183 on the south and west, and Braker Lane, MoPac, and Walnut Creek on the north and northwest. First reading approved on October 18, 2007. Vote: 5-0 (Kim and Martinez - Off the dais). City Staff: Molly Scarbrough, 974-3515.

Ordinance No. 20071101-050 to adopt the North Burnet/Gateway 2035 Master Plan was approved.

51. C14-2007-0157 - North Burnet/Gateway Neighborhood Master Plan Rezoning -City Initiated - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the area bounded by MoPac Expressway, Metric Boulevard, Highway 183/Research Boulevard, and Braker Lane (Shoal Creek; Walnut Creek, and Little Walnut Creek Watersheds) from Various to Phase I of the North Burnet/Gateway Master Plan Rezonings and application of NP overlay. First reading approved on October 18, 2007. Vote: 6-0 (Martinez-off the dais). Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Jorge Rousselin, 974-2975.

Ordinance No. 20071101-051 for the North Burnet/Gateway Master Plan Rezonings and application of NP overlay was approved.

52. C20-07-012 - Approve second/third readings of an ordinance amending Chapter 25-2 of the City Code to create the North Burnet/Gateway Overlay District and to establish associated use and site development regulations. First reading approved on October 18, 2007. Vote: 6-0 (Martinez - off the dais).

Ordinance No. 20071101-052 to create the North Burnet/Gateway (NB/G) Overlay district and establish associated development regulations was approved.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Council Member Leffingwell's motion, Council Member McCracken's second on a 6-0 vote. Mayor Wynn was absent.

53. C14-2007-0092 - 21C - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 300 San Jacinto Blvd. (Town Lake/Waller Creek Watersheds) from central business district (CBD) district zoning to central business district-central urban redevelopment (CBD-CURE) combining district zoning. Staff Recommendation: To grant central business district-central urban redevelopment-conditional overlay (CBD-CURE-CO) combining district zoning with conditions. Planning Commission Recommendation: To grant central business district-central urban redevelopment-conditional overlay (CBD-CURE-CO) combining district zoning with conditions. Applicant: Brazos REI POE (Matthew Hooks). Agent: Drenner & Golden Stuart Wolff, LLP (Michele Rogerson). City Staff: Jorge E. Rousselin, 974-2975.
This item was postponed to December 13, 2007 at the applicant's request.
54. C14-2007-0106 - Chinatown Residential - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 104 Ferguson Drive (Walnut Creek Watershed) from general commercial services (CS) district zoning and limited office (LO) district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Applicant: Tan International Group (Alex Tan). Agent: Land Answers (Jim Witliff). City Staff: Jorge E. Rousselin, 974-2975.
Ordinance No. 20071101-054 for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning was approved.
55. C14-2007-0165 - Sunset Lot 1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5001 Sunset Trail (Williamson Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to family residence (SF-3) district zoning. Staff Recommendation: To grant family residence-conditional overlay (SF-3-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant family residence-conditional overlay (SF-3-CO) combining district zoning. Applicant: La Corvina Properties (Donley Watt). Agent: La Corvina Properties (Donley Watt). City Staff: Wendy Rhoades, 974-7719.
Ordinance No. 20071101-55 for family residence-conditional overlay (SF-3-CO) combining district zoning was approved.
56. C14-2007-0171 - The Domain - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10700-11000 Burnet Road, 2800 Block of Braker Lane, 11100-11900 Burnet Road and 3300 West Braker Lane (Walnut Creek Watershed) from major industrial-planned development area (MI-PDA) combining district zoning to major industrial-planned development area (MI-PDA) combining district zoning to change a condition of zoning with conditions. Staff Recommendation: To grant major industrial-planned development area (MI-PDA) combining district zoning to change a condition of zoning with conditions. Planning Commission Recommendation: To grant major industrial-planned development area (MI-PDA) combining district zoning to change a condition of zoning with conditions. Applicant: RREEF Domain, L.P. (Chad Marsh). Agent: Drenner+Golden, Stuart, Wolff, LLP. (Michele Haussmann). City Staff: Jorge Rousselin, 974-2975.

Ordinance No. 20071101-056 for major industrial-planned development area (MI-PDA) combining district zoning to change a condition of zoning with conditions was approved.

- 57. C14-2007-0161 - 5350 Burnet Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5350 Burnet Road (Shoal Creek watershed) from general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning to general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning to permit vertical mixed use on the site. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning to permit vertical mixed use on the site. Planning Commission Recommendation: to grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Applicant: 5350 Burnet Ltd. (Ken Carr). Agent: Drenner+Golden, Stuart, Wolff, LLP. (Michele Rogerson). City Staff: Jorge E. Rousselin, 974-2975.
This item was postponed to November 8, 2007 at the neighborhood’s request.

ZONING DISCUSSION ITEMS

- 58. C14-95-0183(RCA) - Vina Plaza Restrictive Covenant Amendment - Conduct a public hearing and approve a restrictive covenant amendment for the property located at 12801 Harris Ridge Boulevard (Harris Branch Watershed). Staff Recommendation: To deny the amendment to the restrictive covenant. Zoning and Platting Commission Recommendation: Forward to Council without recommendation. Applicant: Ly & Nguyen, L.L.C. (Kevin Nguyen). Agent: MWM Design Group (Amelia Lopez-Phelps). City Staff: Sherri Sirwaitis, 974-3057.
This item was postponed to November 8, 2007 on Council Member Martinez’ motion, Council Member McCracken’s second on a 6-0 vote. Mayor Wynn was absent.
- 59. C14-2007-0087 - Vina Plaza - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12801 Harris Ridge Boulevard (Harris Branch Watershed) from rural residence (RR) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning with conditions. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning with conditions. Applicant: Ly & Nguyen, L.L. C. (Kevin Nguyen). Agent: MWM Design Group (Amelia Lopez-Phelps). City Staff: Sherri Sirwaitis, 974-3057.
The first reading of the ordinance for community commercial (GR) district zoning and to leave the public hearing open was approved on Council Member Martinez’ motion, Council Member McCracken’s second on a 6-0 vote. Mayor Wynn was absent. Direction was given to staff to bring this item back on November 8, 2007.

Mayor Pro Tem recessed the Council Meeting at 5:35 p.m.

LIVE MUSIC

Dustin Welch

PROCLAMATIONS

Certificates of Congratulations -- Clean Air Force of Central Texas High School Public Service Announcement Contest winners -- to be presented by Mayor Pro Tem Betty Dunkerley and to be accepted by the honorees

Proclamation -- Divided We Fail -- to be presented by Mayor Pro Tem Betty Dunkerley and to be accepted by Jim Hooser

Proclamation -- Texas Advanced Practice Nurse Week -- to be presented by Mayor Pro Tem Betty Dunkerley and to be accepted by Sandra Ransom, NP

Certificate of Appreciation -- Emilee Whitehurst -- to be presented by Mayor Pro Tem Betty Dunkerley and to be accepted by the honoree

Proclamation -- Habitat for Humanity Gay Pride Build Day -- to be presented by Council Member Jennifer Kim and to be accepted by Michael Kellerman, Bettie Naylor, and Michael Willard

Proclamation -- Veteran's Day Tree Planting and Dedication -- to be presented by Council Member Brewster McCracken and to be accepted by Hector Ortiz and Veterans' Groups

Mayor Pro Tem Dunkerley called the Council Meeting back to order at 6:17 p.m.

PUBLIC HEARINGS

- 60. Conduct a public hearing and approve an ordinance adjusting the corporate boundary between the City of Austin and the City of Cedar Park in accordance with Texas Local Government Code Section 43.031 (The proposed boundary adjustment includes approximately 1 acre at the intersection of Lakeline Blvd and US 183).
The public hearing was closed and Ordinance No. 20071101-060 was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Wynn was absent.
- 61. Conduct a public hearing for the full purpose annexation of Cantarra Section One Area (Approximately 62 acres in Travis County north of Gregg Lane approximately 4,356 feet west of the intersection of Harris Branch Parkway and Gregg Lane).
The public hearing was closed on Council Member Leffingwell's motion, Council Member Martinez' second on a 6-0 vote. Mayor Wynn was absent.
- 62. Conduct a public hearing for the full purpose annexation of the Coopers Meadow Area (Approximately 80 acres in southeastern Travis County south of State Highway 71 East approximately 606 feet west of the intersection of State Highway 71 East and Ross Road).
The public hearing was closed on Council Member Leffingwell's motion, Council Member Kim's second on a 6-0 vote. Mayor Wynn was absent.
- 63. Conduct a public hearing for the full purpose annexation of the Grand Avenue Parkway Area (Approximately 562 acres in Travis County at the intersection of IH 35 North and Grand Avenue parkway).
The public hearing was closed on Council Member Leffingwell's motion, Council Member Martinez' second on a 6-0 vote. Mayor Wynn was absent.
- 64. Conduct a public hearing for the full purpose annexation of Residences at Onion Creek S.M.A.R.T. Housing Area (Approximately 23 acres in Travis County at the northeast corner of the intersection of Brandt Road and East Slaughter Lane).

The public hearing was closed on Council Member McCracken's motion, Council Member Martinez' second on a 6-0 vote. Mayor Wynn was absent.

- 65. Conduct a public hearing for the full purpose annexation of the Ribelin Ranch Area (Approximately 201 acres in Travis County north of FM 2222 approximately 205 feet east of the intersection of FM 2222 and McNeil Drive)
The public hearing was closed on Council Member McCracken's motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Wynn was absent.
- 66. Conduct a public hearing for the limited purpose annexation of the River Hills Road Area (Approximately 2 acres in Travis County located east of River Hills Road approximately 400 feet north of the intersection of River Hills Road and Taylor Road).
The public hearing was closed on Council Member McCracken's motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Wynn was absent.
- 67. Conduct a public hearing for the full purpose annexation of the Venue at Lake Travis Area (Approximately 48 acres in Travis County at the southwest corner of the intersection of RM 620 and Bullick Hollow Road).
The public hearing was closed and the following instructions were given to staff on Council Member Cole's motion, Council Member McCracken's second on a 6-0 vote. Mayor Wynn was absent. Parcels 01543401020000, 01563403010000 and 01563403060000 were removed from the annexation.
- 68. Conduct a public hearing and consider an ordinance granting variance requests by David Burnett and Dwane Ideker to allow construction of an addition to the single-family residence at 1111 Berger Street in the 25-year and 100-year floodplains of Tannehill Branch and to waive the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain for the footprint of the existing and proposed structures.
This item was postponed to November 8, 2007 at the owner's request on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Wynn was absent.

Mayor Pro Tem Dunkerley adjourned the meeting at 6:35 p.m. without objection.

The minutes for the Regular Meeting of November 1, 2007 were approved on this the 8th day of November, 2007 on Council Member Kim's motion, Council Member Cole's second on a 7-0 vote.